

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TIMOTHY L SCHUTT,

Plaintiff,

vs.

LINCARE, INC., AND LINCARE  
HOLDINGS, INC., A Delaware  
Corporation;

Defendants.

**4:14CV3229**

**AMENDED PROGRESSION ORDER**

This matter is before the court on the parties' joint stipulation to amend the final progression order. (Filing No. 22). Based on the representations of parties the joint stipulation will be approved.

IT IS ORDERED:

- 1) The parties joint stipulation, (Filing No. 22), is approved and the Final Progression Order is amended as follows:
  - a) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is March 29, 2016. Motions to compel Rule 33 through 36 discovery must be filed by March 15, 2016. Note: Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference discussing the parties' dispute.
  - b) The deposition deadline is May 30, 2016.
  - c) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C)), are:

For the plaintiff(s):	January 13, 2016.
For the defendant(s):	February 12, 2016.

- d) The deadline for filing motions to dismiss and motions for summary judgment is June 14, 2016.
  - e) The deadline for filing motions to exclude testimony on Daubert and related grounds is April 29, 2016.
  - f) The jury trial of this case is set to commence before Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on October 3, 2016, or as soon thereafter as the case may be called, for a duration of seven (7) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
  - g) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on September 20, 2016 at **9:00 a.m.**, and will be conducted by WebEx conferencing. A separate order will be filed with the instructions and codes for participating in the pretrial conference by WebEx. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on September 16, 2016.
  - h) A telephonic conference with the undersigned magistrate judge will be held on June 1, 2016 at **9:00 a.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.
- 2) No further continuances will be granted absent a substantial showing of good cause.

Dated this 18th day of September, 2015

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge